

PROB 12B
(7/93)

United States District Court

for

District of New Jersey

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Malachi, Edmond

Cr.: 98-00460

Name of Sentencing Judicial Officer: Honorable John W. Bissell

Date of Original Sentence: 11/17/98

Original Offense: Importation of Cocaine

Original Sentence: Imprisonment for seventy-four months, four years supervised release, drug and mental health treatment

Type of Supervision: Supervised release

Date Supervision Commenced: 2/2/05

PETITIONING THE COURT

To extend the term of supervision for _____ Years, for a total term of _____ Years.
 To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of 6 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

CAUSE

Mr. Malachi was arrested by the New York City Police Department on January 6, 2007, and charged with Assault with Intent to Cause Physical Injury and Criminal Possession of a Weapon. This pending matter was a domestic violence incident involving the offender's wife.

Respectfully submitted,

By: Stanley K. Whetstone
Senior U.S. Probation Officer

Date: 2/3/07

THE COURT ORDERS:

The Modification of Conditions as Noted Above
 The Extension of Supervision as Noted Above
 No Action
 Other

3E 11 2007 FEB 19 2007
SUSPENDED
4410 HS INVESTIGATION
2007 FEB 19 2007
SUSPENDED

Signature of Judicial Officer

Date

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

February 3, 2007

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICERS
ERIC K. SNYDER
MATTHEW F. MILLER
THOMAS C. MILLER

SUPERVISION UNIT
20 WASHINGTON PLACE
6TH FLOOR
NEWARK, NJ 07102-3172
(973) 645-6161
FAX: (973) 645-2155

Honorable John W. Bissell
U. S. District Court Judge
Martin Luther King, Jr.
Federal Building and U. S. Courthouse
50 Walnut Street.
PO Box 999s
Newark, New Jersey 07101-0999

SFC
Malachi

Re: Malachi, Edmond
Dkt.#: 98-00460
Notice of New Arrest/Request to Amend
Special Conditions

Dear Judge Bissell:

On November 17, 1998, the above-named offender was sentenced by Your Honor on a charge of Importation of Cocaine. He was sentenced to seventy four months custody and placed on supervised release for four years. Special conditions ordered were mental health and drug treatment.

The offender's term of supervised release began on February 2, 2005, in the Eastern District of New York, due to Mr. Malachi residing in Staten Island, New York.

This letter is being issued to notify the Court that Mr. Malachi was arrested on January 6, 2007, by the New York City Police Department and charged with Assault with Intent to Cause Physical Injury and Criminal Possession of a Weapon in the fourth degree, both class A misdemeanors. This altercation stems from a domestic violence incident involving Malachi's wife, Tameka Scott. The offender was released from custody on his own recognizance, January 12, 2007. A hearing is scheduled for February 22, 2007, in a Richmond County Criminal Court.

Prior to his arrest, the offender was also having problems securing, plus maintaining employment and a stable residence. In fact Malachi has resided at various homeless shelters throughout the New York City. As a result of his unstable residence, the offender has been extremely difficult to supervise.

Based on these circumstances, our office is now requesting the Court review and sign the attached Form 12B, modifying the special conditions to include placement in a Residential Re-Entry Center for six months and pay the subsistence cost. This intervention will assist the supervising Probation Office with an opportunity to assess the Malachi's needs, while providing the offender with a place to live and assistance in obtaining employment. Mr. Malachi is in agreement with this recommendation, and has signed the enclosed Form 49 Waiver of a hearing.

If Your Honor requires more information or has any questions, please contact the undersigned officer at 973-645-6241.

Yours truly,

Christopher Maloney, Chief
U.S. Probation Officer

Christopher Maloney
By: Stanley K. Whetstone
Sr. U.S. Probation Officer

PROB 49
(NYEP-07/17/06)

United States District Court

DISTRICT OF NEW JERSEY

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

For a period of up to 6 months, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

Witness: Lisa Gilaj
U.S. Probation Officer

Signed: Edward Molack
Probationer or Supervised Releasee

1-16-07
Date